



United States Interagency Council on Homelessness

FINAL REPORT TO CONGRESS:

ENSURING THE EDUCATION RIGHTS OF HOMELESS CHILDREN AND YOUTH:

**Assessing Federal Agency Guidance to Grantees of Homeless Assistance
Programs Regarding the Education Rights of Homeless Children and Youth**

October 25, 2006

**United States Interagency Council on Homelessness
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I. INTRODUCTION

This Final Report is hereby submitted by the United States Interagency Council on Homelessness (USICH) in response to a Congressional request as follows:

The conferees direct the USICH to conduct an assessment of the guidance disseminated by the Department of Education, the Department of Housing and Urban Development, and other related Federal agencies for grantees of homeless assistance programs on whether such guidance is consistent with and does not restrict the exercise of education rights provided to parents, youth, and children under subtitle B of title VII of the McKinney-Vento Act. The assessment shall address whether the practices, outreach, and training efforts of said agencies serve to protect and advance such rights. The Council shall submit to the House and Senate Committees on Appropriations an interim report by May 1, 2006, and a final report by September 1, 2006.¹

The report that follows, developed in consultation with Interagency Council member agencies, is in response to that request. Consistent with its statutory responsibility to review Federal activities and programs to assist persons experiencing homelessness, the United States Interagency Council on Homelessness (USICH) has undertaken preliminary steps reported here to assess Federal agency guidance and review issues related to education rights for key Federal agencies. As described here, the Council has conducted research, convened initial discussions with Federal agencies, and collected issue-related documents from several agencies. These actions are reviewed in this document.

¹ House (Conference) Report 109-307, at 293 (on HR 2058, the "Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act of 2006", enacted as P.L.109-115.

II. SUMMARY - EDUCATION RIGHTS OF HOMELESS CHILDREN AND YOUTH

Authorized by the McKinney-Vento Homeless Assistance Act, the Education for Homeless Children and Youth program in the U.S. Department of Education is intended to ensure that all homeless children and youth have access to public education and other related services.

The McKinney-Vento Homeless Education Assistance Improvements Act of 2001 was included in the No Child Left Behind Act of 2001 (P.L. 107-110)(NCLB). The legislation reauthorized the Education of Homeless Children and Youth program.

Subtitle B, Title VII of the McKinney-Vento Act protects the rights of homeless children to go to school, continue in the school they last attended before becoming homeless (referred to as the “school of origin”), receive transportation to the school they last attended, participate in school programs with children who are not homeless, and receive the same special programs and services provided to all other children served in these programs.

The NCLB amendments incorporated previously issued Department of Education guidance on the definition of homeless persons into the statutory definition. The amendments also clarified requirements for school districts related to the provision of transportation to homeless children to their “school of origin,” specified that homeless children and youth be enrolled in school immediately, and created mandates for the designation of a liaison for homeless students in each district.

Definition of Homelessness

The McKinney-Vento Act defines the term “homeless children and youths” for the Department of Education to mean:

“(A) individuals who lack a fixed, regular, and adequate nighttime residence; and (B) includes – (i) children and youths who are sharing the housing of other persons due to a loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement; (ii) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings; (iii) children and youths who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and (iv) migratory children who qualify as homeless for the purposes of this subtitle because the children are living in circumstances described above.”(42 U.S.C. §11434a)

III. SUMMARY OF INTERIM REPORT

Consistent with Congressional direction, the Council produced an Interim Report which reflected background research on the McKinney-Vento education provisions, relevant regulations, and agency program guidance related to education rights. The Council convened a series of individual and interagency meetings with Federal agency representatives to focus on agency actions to ensure the education rights of homeless children. Agencies participating in these discussions have been the U.S. Departments of Agriculture, Education, Health and Human Services, Homeland Security/FEMA, Housing and Urban Development, Labor, and Veterans Affairs.

As part of the assessment process, the Council in December 2005 requested that key member Federal agencies review several initial questions in order to make a preliminary assessment of relevant agency programs where homeless children might be present, and the types of guidance and practices currently in place or planned that may address the issue of education rights and access.

The Departments of Agriculture, Education, Health and Human Services, Housing and Urban Development, and Labor provided such documentation to the Council. These documents, which were part of the Interim Report, are now posted at the Council's web site: www.usich.gov

IV. RECENT DEVELOPMENTS

Katrina Related Guidance

The Council requested that agencies submit any guidance or other materials related to post-Katrina actions that supported the education rights of homeless children and served to further those rights in the response to the effects of Katrina.

The Department of Education, which has reported to the Full Council at each meeting since Katrina on its efforts to meet the needs of affected students, provided the following summary of its Katrina-related actions.

Hurricane Education Recovery Act - Education for Homeless Youths

Continuing a recovery process that has aided hundreds of thousands of children, the U.S. Department of Education noted that more than \$1.6 billion in funds from the Hurricane Education Recovery Act, signed by President Bush last December, has been made available to reopen schools in the Gulf Coast region and to help educate students across the country displaced or affected by Hurricanes Katrina and Rita.

- \$880 million has been provided under the Emergency Impact Aid for Displaced Students (Impact Aid) Program to assist local educational agencies in 49 states and the District of Columbia in paying for the cost of educating students who were enrolled in public and non-public schools in hurricane-affected areas.

- \$750 million was provided under the Immediate Aid to Restart School Operations (Restart Aid) Program to help reopen and restart damaged schools in the States most affected by the storms.
- \$200 million for institutions of higher education has been sent to affected States.
- \$5 million was provided under the Assistance for Homeless Youths (Homeless Aid) Program, to help State Education Agencies (SEAs) address the needs of students displaced by the storms.

The following eight States received funds under the Funds for Homeless Youths program: Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee and Texas

Funds are available to assist Local Education Agencies (LEAs) in serving homeless children and youth displaced by Hurricane Katrina or Hurricane Rita. LEAs are to address the educational and related needs of these students consistent with section 723 of the McKinney-Vento Homeless Assistance Act (McKinney-Vento). The funds are available for obligation through September 30, 2007.

See ED resources and policy letters at: <http://hurricanehelpforschools.gov/index.html>

Department of Education Report

Subsequent to the preparation of the Council's Interim Report, the Department of Education submitted its *"Report to the President and Congress on the Implementation of the Education for Homeless Children and Youth Program under the McKinney-Vento Homeless Assistance Act,"* a five-year status report on the agency's activities to address the educational needs of homeless children and youth. The report is located at: <http://www.ed.gov/programs/homeless/rpt2006.doc>

The report notes the following points that the Council addresses in its recommendations:

- The reauthorized legislation requires every district to designate a local liaison to assist homeless children and youth with enrollment, raise awareness of issues related to homelessness and homeless education, and oversee the implementation of the law.
- Local liaisons often have other professional duties that compete with their efforts to serve homeless children and youth. SEAs report that the biggest challenge is very high turnover among local liaisons. Many State Coordinators have difficulty keeping an updated list of contacts and in providing training for the new liaisons who are continually assuming the role.

- Meeting the educational needs of homeless children and youth requires LEA coordination with other agencies. However, local service agencies sometimes have policies that are not aligned with LEA policies.
- ED supports State Coordinators for homeless education and school districts in implementing the McKinney-Vento Act in several ways. It provides technical assistance; develops guidance publications; disseminates awareness materials; collaborates with Federal, State, and local agencies; collects data; and awards funds to States.
- Local liaisons must ensure that public notice of the educational rights of homeless children and youth is posted throughout the LEA and community and that parents and guardians are informed of their children's educational rights. Within one year of the reauthorization, the Education Department's technical assistance contractors mailed over 300 notices to Federal and State agencies on the rights of homeless children and youth guaranteed by McKinney-Vento.

V. RECOMMENDATIONS

The Council has identified several additional steps and has taken several new actions to help ensure that homeless children and youth have access to education by increasing the visibility and availability of informational materials and resources for key Council partners in the field, especially to State and city/county government leaders, members of jurisdictional 10-year planning entities, State Interagency Councils on Homelessness, and Continuums of Care (local homeless planning entities). These recommendations are intended to increase effectiveness of Federal agency actions and promote visibility of education access for children who are homeless.

1. Re-issue existing guidance.

All Federal agencies that submitted guidance as listed above were asked to identify whether there were plans in their agencies to re-release or otherwise promote existing guidance, given that some documents were produced during the preparation of the report and others as long ago as 1992.

- No agency plans were identified for re-releasing documents.

Recommendation: Increase the visibility and availability of key materials that explain and support the right to education, so that key partners can collaborate to ensure this right in communities.

- The Interagency Council will post the Federal agency documents on its web site in a new section of "Tools you can use to ensure access to education for homeless children" (linked to its home page). See www.usich.gov

- The Council recommends that, in future, other Federal agencies post their materials under existing homeless web links and list the material in any “news” section at least annually to achieve greater visibility.

2. Encourage Federal partners to include education resources in mainstream program references.

Recommendation: Incorporate education access information in the Federal FirstStep Resource.

The Council recommends adding education rights material to the Federal interagency electronic tool called FirstStep, an on-line interactive tool for case managers, outreach workers, and others working with people who are homeless. This on-line information source was designed by the Departments of Health and Human Services and Housing and Urban Development, in consultation with the Departments of Agriculture, Labor, and Veterans Affairs, and the Social Security Administration, to assist staff to access Federal mainstream programs and close gaps in program information that might be related to complex eligibility, application, or documentation regiments or staff turnover. The current version can be found at: <http://www.cms.hhs.gov/apps/firststep/index.html>

Adding basic materials on education rights to FirstStep will help promote the use of this tool as a point of reference for program staff, and place education in the context of other mainstream programs to which eligible persons that are homeless need access.

3. Disseminate information to policymakers at the State and local levels to focus on education rights and resources in a timely way at the start of the school year.

Recommendation: Use the start of the school year to raise visibility of education rights for State and local policymakers.

The Interagency Council has recently disseminated a news story in its weekly e-news to the field on education rights and resources. See http://www.usich.gov/newsletter/archive/09-07-06_e-newsletter.htm

In its September 7, 2006, weekly e-news letter distributed to more than 10,000 State and local policymakers, Continuum of Care coordinators, service providers, and advocates, the Council issued a news story to draw attention to the provisions of the McKinney-Vento Act that ensure access to education for homeless children and youth and identify to readers those resources that can assist parents, children, and others in supporting those rights. Many Federal homeless program grantees and all Continuum of Care coordinators receive the e-news.

The story reviewed the education rights of homeless children and the statutory definition of homelessness under the education programs. The Council will encourage, through its Regional Coordinators, that appropriate State educational agency personnel and local

liaisons, as well as other State and local government officials familiar with homeless education issues and resources, and consumers themselves, are active partners in State and local jurisdictional planning. State Interagency Councils and jurisdictional 10-year planners can play a vital role in ensuring the regular distribution of the consumer and provider oriented materials that explain these rights.

The story included downloadable copies of the English and Spanish language versions of a poster produced by the Department of Education's technical assistance provider that explains who qualifies as homeless under the educational provisions of the McKinney-Vento Homeless Assistance Act and lists the educational rights of children and youth experiencing homelessness. This poster can be placed in schools, in homeless and other programs, and throughout the community.

The story also included a link to the National Center on Homeless Education and its publications, including one specifically for service providers on the details of education rights.

4. Identify education of homeless children as a cross-cutting issue requiring interagency action.

Recommendation: Distribute additional education rights materials to State and City partners to address any existing gaps.

The Interagency Council has recently taken steps to distribute additional education rights materials to State and City partners to address any gap in information that may occur as a result of Continuum of Care groups and service providers receiving primary information from HUD resources and State and local educational agency personnel receiving primary information from Department of Education resources, as identified in the Department of Education report. This will reinforce the identification of education of homeless children as a cross-cutting issue requiring interagency collaboration.

To improve the knowledge base and visibility of resources to ensure education rights, the Council will directly provide, through its Regional Coordinators, copies of key materials to jurisdictional leadership of the 53 State Interagency Councils on Homelessness and over 225 city/county 10-year plans to end homelessness.

As the Council has previously done to ensure the presence of those organizations and resources targeted to serve homeless veterans as partners in State Councils and 10-Year Plans – resulting in documentation of stronger partnerships and planning strategies - the Council's Regional Coordinators will work with State and city government partners to ensure that SEA and LEA participation in State councils and jurisdictional 10-year plans supports education access for homeless children and communicates jurisdictional support for ensuring those rights.

5. Create new resources for information and reference.

The Department of Education's report, and informal evidence from the field, supports the concern that local education and homeless program staff turnover often hinders the effective communication of education-related information. By treating the right to a public education as a mainstream program and providing a stable information source about it to target audiences, Federal agencies have several opportunities to increase the circulation of key information about the access requirement and partnerships to ensure its consistency in delivery and increase visibility. This effort can be combined with identifying new venues to forward education rights information to target audiences of State and local partners, homeless service providers, and others.

Recommendation: Expand the number of available web resources that identify and explain education rights can contribute to increased visibility and effectiveness.

The Interagency Council has recently created a new web page devoted to the education access issue. See <http://www.usich.gov/slocal/EducationWebPost.html>

On this new web page, the Council has provided a short introduction to the issue drawn from the Department of Education report and added several items from the Department's technical assistance provider, the National Center for Homeless Education, to its web site, with a direct link from the Council's home page. Included in this new posting are:

- The National Center for Homeless Education brochure that explains the educational rights of children and youth experiencing homelessness and provides information about the NCHE national helpline.
- NCHE's parent brochure that explains the educational rights of children and youth experiencing homelessness and informs parents about ways in which they can support their children's education during times of mobility.
- A poster for parents in English and Spanish that explains who qualifies as homeless under the McKinney-Vento Homeless Assistance Act for the purposes of education access and lists the educational rights of children and youth experiencing homelessness.
- A poster for school-age youth in English and Spanish that explains who qualifies as homeless under the McKinney-Vento Homeless Assistance Act for the purposes of education access and lists the educational rights of children and youth experiencing homelessness.
- The Educational Rights of Students in Homeless Situations: What Service Providers Should Know

Recommendation: Ensure increased circulation of key reference material to jurisdictional partners in the field, at both the city/county 10-year plan level and at the State Interagency Council level.

Every Council Regional Coordinator has been directed to provide these materials directly to partners in the field, at both the city/county and state level, including 10-year planning entities for jurisdictions and State Interagency Councils on Homelessness.

6. Include education of homeless children in discussions of family homelessness.

Recommendation: Provide reference material on education rights in settings where family homelessness is the focus.

The Interagency Council will use family homelessness events to focus on education access and to distribute a fact sheet on core materials on education access targeted to providers and consumers. Council technical assistance and research events frequently include jurisdictional partners from State interagency councils on homelessness and jurisdictional 10-year planning entities. Providing targeted information will increase the visibility of the education rights issue and build awareness among government agencies.

For example, in the Council's ongoing initiative to increase participation and knowledge regarding the needs of homeless veterans and veterans serving organizations in State councils and 10-year plans, an effective strategy was including a best practice document on serving veterans at all 10-year plan events. Ongoing initiatives by the Council's Regional Coordinators have turned such participation from being the exception to becoming a best practice. Veteran specific strategies now are emerging in 10-year plans, where none existed previously.

7. Annually review relevant Federal agency actions.

Several of the core elements identified in this report are time sensitive, either as one-time reports, such as the Department of Education implementation report, or represent documents not recently released. A periodic updating of new agency actions and publications is needed to ensure that coordinated focus is provided in the future on an interagency level.

Recommendations:

The Interagency Council will use its senior policy discussion at least annually to assess and survey the Council's member agency actions and updates on access to education for homeless children.

The Council, through its statutorily required Annual Report, will ask member agencies to provide updated reporting on actions to ensure education rights for children who are homeless.

Conclusion

The Interim Report to Congress identified several issues to be considered in shaping effective strategies that are effective in ensuring education access. These included ensuring education rights under diverse Federal programs, and providing information on rights to both providers and consumers. In addition, it is the Council's unique role to reach its partners in State interagency councils and local jurisdictional planning entities.

The preventive effect of education access for children experiencing homelessness is critical. The recommendations outlined here will consolidate and link existing resources under the Council's coordinating role, as well as provide a visible new source of information directly to the field at several levels, including State and local government, where accountability for education access should be a primary concern.